

Chapter 55 LICENSING AND PERMITS

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ARTICLE I. IN GENERAL

Secs. 55-01 – 55-30 Reserved.

ARTICLE II. LICENSES

Sec. 55-31 Fees.

A license shall be required for the sale of each of the following or the conduct of the business or activity at the indicated license fee. The license fee shall be for a period of one year unless otherwise indicated.

- (1) Building permits, see Chapter 18.
- (2) Cigarettes, \$50.00
- (3) Dogs, as set by the County
- (4) Carts
 - a. Neutered or Spayed
 - i. January 1 – March 31 - \$10.
 - ii. April 1 – December 31 - \$25.
 - b. Unaltered Male or Female
 - i. January 1 – March 31 - \$30.
 - ii. April 1 – December 31 - \$65.
- (5) Keeping of Chickens, \$50.00 original, \$25.00 renewal
- (6) Fermented malt beverages:
 - a. Class A fermented malt beverage retailer’s license, \$50.00
 - b. Class B fermented malt beverage retailer’s license, \$100.00
 - c. Picnic or club license, \$10.00
 - d. Wholesaler’s license, \$25.00
- (7) Intoxicating liquors:
 - a. Retail class A liquor license, \$250.00
 - b. Retail class B liquor license, \$250.00
 - c. Retail class B combination license, \$300.00
 - d. Operator’s license:
 - i. \$40.00 two year; \$30.00 one year
 - ii. Provisional, \$5.00
 - iii. Temporary, \$5.00
- (8) Investigation fee for transient merchants, \$10.00
- (9) Junk dealer, \$35.00
- (10) Mobile homes, according to assessed value pursuant to Wis. Stats. 66.058.
- (11) Natural gas franchise, no fee.
- (12) Special event application fee, \$25.00
- (13) Special events transient merchant fee:
 - a. 200 Square feet or less of display area, \$110.00
 - b. 201-400 Square feet of display area, \$220.00
 - c. 401-1,000 Square feet of display area, \$440.00
 - d. 1,001 Square feet or more of display area, \$660.00
- (14) Street Opening Permit, \$100.00
- (15) Driveway Permit, \$50.00

Sec. 55-32 Required.

No person shall engaged in any business or activity enumerated in section 55-31 without a license or permit therefor as provided by this Section. The word "license" and "permit" as used throughout this article shall be considered interchangeable.

Sec. 55-33 Application.

Application for a license under this Chapter shall be made to the City Clerk on a form furnished by the City. Such application shall contain such information as may be required the provisions of this Chapter or as may be otherwise required by the Council.

Sec. 55-34 Payment of license fee.

License fees imposed under Section 55-31 shall accompany the license application. If the license is denied, the license fee shall be returned to the applicant.

Sec. 55-35 Proration or refund of license fee.

Initial license fee shall be prorated but no fee paid shall be refunded unless the license is denied.

Sec. 55-36 Granting of license.

Initial license must be approved and granted by the Common Council, except for dog license, which shall be approved by the Clerk, and except any other licenses specifically designed to be granted by other officials in other sections of the code.

Sec. 55-37 Terms.

All licenses issued under this article shall expire June 30 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license, or unless otherwise provided by these ordinances or state laws.

Sec. 55-38 Form.

All licenses issued under this article shall show the date of issue, the activity licensed, and the term of the license, and shall be signed by the City Clerk and be impressed with the City seal.

Sec. 55-39 Record.

The City Clerk shall keep a record of all licenses issued.

Sec. 55-40 Display.

All licenses issued under this article shall be displayed upon the premises or vehicle for which issued, or if carried on the person shall be displayed to any officer of the City upon request.

Sec. 55-41 Compliance with ordinance required.

It shall be a condition of holding a license under this article that the licensee comply with all ordinances of the City. Failure to do so shall be cause for revocation of the license.

Sec. 55-42 Transfer.

All licenses issued under this article shall be personal to whom issued and shall not be transferred except with the consent of the Council.

Sec. 55-43 Exemptions.

No license other than a liquor or beer license shall be required under this section for any nonprofit educational, charitable, civic, military, or religious organization where the activity which would be licensed is conducted for the benefit of the members or for the benefit of the public generally.

Sec. 55-44 Renewal.

All applications for renewal of license under this article shall be made to the City Clerk by April 15.

Sec. 55-45 Consent to inspect.

An applicant of a license under this article thereby consents to the entry of police or authorized representatives of the City upon licensed premises at the reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this article all things found in violation of this article or state law.

Sec. 55-46 Revocation.

Except as provided in section 6-46 any license issued under this article may be suspended by the Mayor or Common Council. Any licensee whose license is so suspended may apply within ten days of the suspension for a public hearing before the Common Council. After hearing the evidence the Council may lift the suspension, revoke the license or impose a limited period of suspension. The determination of the Council shall be a final subject to judicial review. The police department shall repossess any license revoked hereunder.

Secs. 55-47 – 55-80 Reserved.

ARTICLE II. SPECIAL EVENTS

Sec. 55-81 Purpose.

Special events are community events such as parades on city streets, athletic events, charity walks and runs, music festivals, and other events that meet the definition in this section. Such events are allowed subject to the reasonable requirements of this section and policies and procedures of the City. The City Council finds such requirements necessary to promote the equitable use of limited public parks and other lands, to allow for the efficient use of limited city staff resources through proper planning for such events, and to protect the public health, safety, and welfare.

Sec. 55-82 Definitions.

Special event. A special event means a scheduled public gathering of persons, on City property at which concessions are sold, such as food or beverages and which will reasonably require, based on then existing policies and procedures, the provision of city support services to accommodate the event on public property. A special event is open to the public at a predetermined location on public property, including but not limited to, city parks, streets, and sidewalks.

Sec. 55-83 Exceptions.

This section shall not apply to the following:

- A. Any march, public assembly, or other activity protected by the First Amendment to the United States Constitution.
- B. Funeral processions.

Sec. 55-84 Permit required.

A special event shall have a special event permit. It is unlawful for a special event to take place without a special event permit.

Sec. 55-85 Review and approval.

The Director of Public Works or designee may recommend approval with conditions, or deny a permit when necessary to protect the public health, safety, or welfare, or due to violation of this section, the city code or ordinances, or applicable state or federal law. In addition, for special events using public streets or sidewalks, such as parades, races, and walks, the chief of police or designee may recommend approval, with conditions, or deny a permit to protect the public health, safety or welfare, or violation of this section, the city code of ordinances, or applicable state or federal law. The may be required to meet with the Director of Public Works or designee, or the Chief of Police or designee, to review the application.

Sec. 55-86 Permit application.

Application for a special events permit shall be submitted to the City Clerk's Office at least 60 days prior to the special event and shall include the following information:

- A. A complete application form.
- B. A copy of current tax exempt identification number, if applicable.
- C. A layout or map, which accurately depicts the proposed use of the public property requested.
- D. A non-refundable application fee, as stated in Section 55-31.

Sec. 55-87 Special event fees.

- A. The application fee shall as stated in Section 55-31.
- B. Fees for public property and service shall be as stated in Section 55-31.
- C. The city council may approve an agreement with a special event permit holder that provides for actual cost recovery by the city in lieu of the fees stated in this section.

Sec. 55-88 Alcohol sales.

It is the responsibility of the special event permit holder to obtain a temporary Class B fermented malt beverage license per s. 9.76.100 if alcohol is to be sold at the special event. The license holder shall, in addition to all other requirements of the law, the city liquor license, and this section, take reasonable steps to ensure that alcohol beverages are consumed only by persons who are of legal drinking age, and not by persons who are not of age or who are intoxicated. Reasonable steps shall include, but not limited to, the use of barriers and fences to enclose the area where alcohol is to be consumed, and supervision of the area by security and staff personnel. Failure to take responsible steps and use them at all times when alcohol is sold is grounds for termination of the event, issuance of city ordinance citation, or denial of the fermented malt beverage license or special event permit in the future.

Sec. 55-89 Concession sales.

Purchase price for concession sales must be displayed during business hour where consumers can clearly see the purchase price prior to ordering.

It is the responsibility of the special event permit holder to obtain City Council approval for vendor and concession sales on City properties.

Sec. 55-99 Noise.

The special event permit holder is subject to noise regulation under Chapter 62 and shall not permit the sound of event to be heard reasonably beyond the boundaries of the public property used for the special event at unreasonable levels.

Sec. 55-91 Parks – Public grounds.

A special event permit holder shall not exempt the permit holder or guest from the requirements of Chapter 66 Parks and Recreation.

Sec. 55-92 Public streets and sidewalks

All use of public streets and sidewalks for special events shall be on routes approved by the City Council. The Chief of Police and Director of Public Works may designate what streets and sidewalks or what portions thereof may be used for a special event. It shall be the duty of the permit holder to obey any such designation when made. Failure to obey shall be a violation of this section by the permit holder and may result in the termination of the event or issuance of a city ordinance citation. A future special event permit may be denied based on a past violation of this section.

Sec. 55-93 Liability and insurance.

- A. The special event permit holder agrees to indemnify, defend, save, and hold harmless the city, its officers and employees, from and against any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the special event.

- B. The special event permit holder shall provide proof of liability and property insurance in the amount of at least \$1,000,000 per occurrence, with the City of Tomahawk named as an additional insured.
- C. The special event permit holder shall provide to the City Clerk, at least 15 days prior to an event, a certificate of insurance as evidence that the requirements set forth in this section have been met.

Sec. 55-94 Appeal.

A denial of a permit may be appealed by the permit holder to the City Council.

Sec. 55-95 Violation or penalty.

- A. A failure to obey provisions of this section, or any order, requirement, or condition imposed under this Section by the Director of Public Works or designee or the Chief of Police or designee, shall be a violation of this Section by the permit holder and may result in the termination of the event. A future permit may be denied based on a past violation of this Section.
- B. Any person violating any provision of this Section, any order, requirement, or condition imposed under this Section by the Director of Public Works or designee or Chief of Police or designee, shall be subject to a forfeiture of not less than \$50 or more than \$500 per day for each violation, together with the costs of prosecution.